

*2001
Wright*

*(26)
RB 10/1/02*

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMMI D. WRIGHT,

Plaintiff,

v.

BEULAH HADRICK, CHARLEEN
SZABO, SCOTT SHREVE and RAY
KENT,

Respondents

:
: Civil Action No. 1:CV-00-1657
:
: (Judge Conner)

FILED
HARRISBURG, PA

OCT 01 2002

MARY E. D'AMBREA, CLERK
Per *[Signature]*
Deputy Clerk

**MOTION FOR JUDGMENT ON
THE PLEADINGS OR FOR SUMMARY JUDGMENT**

Defendants, by their undersigned counsel, hereby move this Court for an order granting judgment to the defendants as set forth below. A brief in support of this motion is also being filed.

1. The complaint herein was filed on September 18, 2000.
2. On June 1, 2001, defendants filed a motion to dismiss or in the alternative, for summary judgment which was granted in part and denied in part.
3. The complaint was dismissed with respect to all constitutional claims based on the Thirteenth and Fourteenth Amendments as well as to tall claims of interference with contracts. Only Plaintiff's claim under the First Amendment remained.
4. Discovery closed on September 13, 2001.
5. Plaintiff has failed to state a claim upon which relief


can be granted in that there is no cause of action available to a federal employee, such as plaintiff, who alleges that her supervisor violated her First Amendment rights, when that employee is covered by the Civil Service Reform Act of 1978.

6. Defendants are entitled to summary judgment in that the undisputed facts of record indicate that plaintiff did not suffer retaliation for the exercise of her First Amendment rights.

WHEREFORE, defendants request that this Court grant them judgment on the pleadings or, on the alternative, summary judgment as set forth herein and in the brief filed in support of this motion.

Respectfully submitted,


THOMAS A. MARINO
United States Attorney


MARY CATHERINE FRYE
Assistant U.S. Attorney
228 Walnut Street
Harrisburg, PA 17108
(717) 221-4482

Dated: October 1, 2002

CERTIFICATE OF NONCONCURRENCE

Counsel for Defendant certifies that Don Bailey, Esquire, Plaintiff's counsel, does not concur in the filing of Defendant's Motion for Judgment on the Pleadings or for Summary Judgment.


MARY CATHERINE FRYE
ASSISTANT U.S. ATTORNEY

IN THE UNITED STATES DISTRICT COURT
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Plaintiff, : Civil Action No. 1:CV-00-1657
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 :
 :
BEULAH HADRICK, CHARLEEN :
SZABO, SCOTT SHREVE and RAY :
KENT, :
 :
Respondents :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 1st day of October 2002, she served a copy of the attached

MOTION FOR JUDGMENT ON PLEADINGS OR FOR SUMMARY JUDGMENT
by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE(S)

Don Bailey, Esquire
4311 N. 6th Street
Harrisburg, PA 17110


DAWN L. MAYKO
Legal Assistant